

**PUBLIC HEARING
PROPOSED AMENDMENTS
CHAPTER 300 - ZONING LOCAL LAW
WEDNESDAY, APRIL 4, 2007; 7:00 P. M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK**

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti

OTHER OFFICIALS PRESENT: Town Attorney Blythe, Comptroller Reis, Deputy Comptroller Finnegan, Building Inspector Babcock, Deputy Police Chief Hovey

SALUTE TO FLAG

Supervisor Green asked for a moment of silence in memory of Archie Antonelli, a former Town Clerk, and Paul Cuomo, a former Town Engineer, both of whom passed away this past month.

Supervisor Green called to order the Public Hearing regarding two proposed amendments to Chapter 300 – Zoning Local Law and presided over same.

The Town Clerk presented proof of publication as required by law.

Supervisor Green thanked several people for their help drafting these amendments for senior housing and then asked if anyone had any comments they wished to make regarding the proposed amendments.

William Steidle said that he supports senior housing provided it is on the right site and of the right design and he expressed his concerns about the proposed local laws as written. He feels that the proposed laws should be referred to the master plan committee for their recommendations before being adopted.

Supervisor Green said that any project must obtain a special permit from the Town Board, and he also feels that the Planning Board should use a planner for any major projects that appear before them.

Jean Antonelli feels that it could be hazardous for seniors attempting to cross major highways to access shopping, doctors, etc. if the housing is located in a commercial area, such as the Vails Gate area.

Supervisor Green said that there are about five apartment complexes already located in the commercial Vails Gate area. He feels it is important for seniors to have easy access to banks, shopping and doctors, and that is the purpose of locating affordable senior housing within walking distance of amenities.

Diane Newlander agrees with Bill Steidle and is concerned that a housing project might start out as affordable senior housing but then turn into general rental apartments. She also wanted to know who defines the term “affordable”.

Supervisor Green said it is defined by the State of New York, the language is straight out of HUD.

Barney Bedetti asked if after a project has been built as senior housing, it could later be changed to another type of project, such as general rental apartments.

Supervisor Green replied that it goes to site plan approval and once a project is approved, it cannot be changed into something else. He also said that affordable housing tax credits are governed by the State of New York and once tax credits are awarded, you can only build a tax credit unit.

Fran Maxwell also expressed concern about the possibility of senior housing turning into general rentals and sublet apartments.

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Jonah Mandelbaum, a developer of affordable housing, explained how tax credits work in New York State and said that when he applies for tax credits for his projects, his applications are for a fifty year period, as are most developers' applications. He said that an outside auditor annually inspects the housing site for the state to insure that it remains eligible. The State actually places a lien against the property which is then filed in the County Clerk's office so the property has to stay affordable if that is what it was originally approved for. Tax credit regulations are also enforced by the Internal Revenue Service.

Atticus Lanigan, a planner for the Orange County Department of Planning, wanted to know if Town Board approval was on a case by case basis. Supervisor Green said that it was and if a site was not conducive to the general area, it would not be approved.

Supervisor Green read two letters, one from the Orange County Department of Planning stating their approval of the proposed local law relating to affordable senior citizen housing; and the other from Dominic Cordisco, the attorney for the Planning Board, giving the Planning Board's favorable recommendation for the two proposed amendments to the Zoning Local Law.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the Public Hearing.

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the amendments to the Zoning Local Law and Use/Bulk Tables regarding Senior Citizen Housing and Totally Affordable Senior Citizen Housing at 7:50 p.m.

Roll Call: All Ayes

Motion Carried: 4-0

RESOLUTION – ADOPT LOCAL LAW REGARDING AMENDMENT TO SECTION 300-18A, ZONING LOCAL LAW AND THE USE/BULK TABLE ENTITLED “TOTALLY AFFORDABLE SENIOR CITIZEN HOUSING”

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, the Town of New Windsor has determined to revise the Town Zoning Local Law to more accurately reflect the need and desire to provide for totally affordable senior citizen housing within the Town, and

WHEREAS, the existing Zoning Local Law and codes of other municipalities have been evaluated by the Town Supervisor, Town Attorney, Building Inspector, and Planning Board Engineer, and a revision has been prepared; and

WHEREAS, a Notice of Public Hearing appeared in “The Sentinel”, the official Town Newspaper, at least 10 days prior to the Public Hearing date; and,

WHEREAS, a Public Hearing to consider amendments to the Town of New Windsor Zoning Local Law was held on the 4th day of April, 2007, pursuant to publication in the Official Town Newspaper; and,

WHEREAS, Town Engineer has prepared and the Town Board of the Town of New Windsor has reviewed a full Environmental Assessment Form reflecting no adverse impact to the environment as a result of this amendment; and,

WHEREAS, each and every project proposed pursuant to this Local Law will be subject to Planning Board review and independent SEQRA compliance; and,

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WHEREAS, no entity or board other than the Town Board of the Town of New Windsor has the authority to amend the Zoning Laws of the Town of New Windsor, the Town Board of the Town of New Windsor declares itself Lead Agency for SEQRA review; and,

WHEREAS, all other requirements of the State Environmental Quality Review Act (SEQRA) have been complied with in accordance with New York State Law; and

WHEREAS, the Planning Board of the Town of New Windsor, having had forty-five (45) days to consider the proposed Zoning Local Law, has recommended the Town Board of the Town of New Windsor adopt said proposed Zoning Local Law; and,

WHEREAS, the proposed Zoning Local Law was forwarded to the Orange County Department of Planning on March 5, 2007; and,

WHEREAS, comments received from Orange County Department of Planning have been duly incorporated into this amendment; and,

WHEREAS, the Orange County Department of Planning has recommended and endorsed the approval of this amendment; and,

WHEREAS, in accordance with provisions of Section 264 of Article 16 of the Town Law, Notice of Public Hearing was forwarded as required to all affected property owners within 500 feet of the Town of New Windsor;

WHEREAS, the proposed Local Law has been forwarded to New York State Department of Environmental Conservation;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby declares itself to be lead agency and adopts a negative declaration of adverse environmental impact pursuant to the State Environmental Quality Review Act; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor adopts into Local Law the attached Section 300-18A of the Zoning Law of the Town of New Windsor; and,

BE IT FURTHER RESOLVED, that this law shall take effect immediately upon filing with the Secretary of State as required by law.

Roll Call: All Ayes

Motion Carried: 4-0

RESOLUTION - ADOPT LOCAL LAW REGARDING AMENDMENT TO ZONING LOCAL LAW, SECTION 300-18 AND THE USE/BULK TABLE ENTITLED "SENIOR CITIZEN HOUSING"

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, the Town of New Windsor has determined to revise the Town Zoning Local Law to more accurately reflect the need and desire to provide housing for the Town's senior citizens, and

WHEREAS, the existing Zoning Local Law and codes of other municipalities have been evaluated by the Town Supervisor, Town Attorney, Building Inspector, and Planning Board Engineer, and a revision has been prepared; and

WHEREAS, a Notice of Public Hearing appeared in "The Sentinel", the official Town Newspaper, at least 10 days prior to the Public Hearing date; and,

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WHEREAS, a Public Hearing to consider amendments to the Town of New Windsor Zoning Local Law was held on the 4th day of April, 2007, pursuant to publication in the Official Town Newspaper; and,

WHEREAS, Town Engineer has prepared and the Town Board of the Town of New Windsor has reviewed a full Environmental Assessment Form reflecting no adverse impact to the environment as a result of this amendment; and,

WHEREAS, each and every project proposed pursuant to this Local Law will be subject to Planning Board review and independent SEQRA compliance; and,

WHEREAS, no entity or board other than the Town Board of the Town of New Windsor has the authority to amend the Zoning Law of the Town of New Windsor, the Town Board of the Town of New Windsor declares itself Lead Agency for SEQRA review; and,

WHEREAS, all other requirements of the State Environmental Quality Review Act (SEQRA) have been complied with in accordance with New York State Law; and

WHEREAS, the Planning Board of the Town of New Windsor, having had forty-five (45) days to consider the proposed Zoning Local Law, has recommended the Town Board of the Town of New Windsor adopt said proposed Zoning Local Law; and,

WHEREAS, the proposed Zoning Local Law was forwarded to the Orange County Department of Planning on March 5, 2007; and,

WHEREAS, comments received from Orange County Department of Planning have been duly incorporated into this amendment; and,

WHEREAS, the Orange County Department of Planning has recommended and endorsed the approval of this amendment; and,

WHEREAS, in accordance with provisions of Section 264 of Article 16 of the Town Law, Notice of Public Hearing was forwarded as required to all affected property owners within 500 feet of the Town of New Windsor;

WHEREAS, the proposed Local Law has been forwarded to New York State Department of Environmental Conservation;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Windsor hereby declares itself to be lead agency and adopts a negative declaration of adverse environmental impact pursuant to the State Environmental Quality Review Act; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor adopts into Local Law the attached revised Section 300-18 of the Zoning Law of the Town of New Windsor; and,

BE IT FURTHER RESOLVED, that this law shall take effect immediately upon filing with the Secretary of State as required by law.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc